

**IN THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

MARK I RESTORATION,

Plaintiff,

v.

ZURICH
(HEREAFTER, ASSURANCE
COMPANY OF AMERICA)

Defendant,

CIVIL ACTION

JURY TRIAL DEMANDED

NO. 02-3729

STIPULATION TO SUBSTITUTE PROPER PARTY AS DEFENDANT

WHEREAS, plaintiff filed the instant action against, and named, and served as a defendant an entity referred to as "Zurich", with an address in Schaumburg, Illinois:

WHEREAS, plaintiff seeks a declaratory judgment and other relief as a result of a claim tendered by plaintiff as the policyholder under a commercial liability policy;

WHEREAS, the commercial liability policy was issued by Assurance Company of America, which is a wholly-owned subsidiary of Maryland Casualty Company, which, in turn, is a subsidiary of Zurich American Insurance Company;

WHEREAS, Assurance Company of America is a New York corporation, having its principal place of business in Illinois.

IT IS HEREBY STIPULATED AND AGREED between the parties, by and through their undersigned counsel, as follows:

1. Assurance Company of America is hereby substituted for Zurich as the proper party defendant;
2. All references in the Complaint to Zurich refer instead to Assurance Company of America;
3. Assurance Company of America has been properly served and will not require any modification to the schedule in this case; and
4. Zurich shall be dismissed from this case.

MAYERS, MENNIES & SHERR, LLP

CHRISTIE, PABARUE, MORTENSEN and YOUNG
A Professional Corporation

By:



ANTHONY R. SHERR
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Attorney for Plaintiff,
Mark I Restoration

Dated: ~~August~~ ^{September 25}, 2002

By:



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Attorney for Defendant,
Assurance Company of America
(improperly named as Zurich)

Dated: August 2, 2002

SO ORDERED:

J.